

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN ANDRYSIK,

Defendant.

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8:10CR274

ORDER

This matter is before the court on the government's motion to continue the trial of this matter scheduled for October 4, 2010 (Filing No. 19). Government's counsel represents that Andrysik's counsel has no objection to the motion. Upon consideration, the motion will be granted.

**IT IS ORDERED:**

1. The motion to continue trial (Filing No. 19) is granted.
2. Trial of this matter is re-scheduled for **October 12, 2010**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **October 4, 2010, and October 12, 2010**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 27th day of August, 2010.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge